

EXHIBIT D

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other
similarly situated,

Case No.: 5:20-cv-03664-LHK-SVK

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

PATRICK CALHOUN, ELAINE CRESPO,
HADIYAH JACKSON and CLAUDIA
KINDLER, on behalf of themselves and all
others similarly situated,

Case No.: 5:20-cv-05146-LHK-SVK

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

BENJAMIN HEWITT and KIMBERLEY
WOODRUFF, on behalf of themselves and
all others similarly situated,

Case No.: 5:21-cv-02155-LHK-SVK

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

CASE NO. 5:20-cv-03664-LHK-SVK
CASE NO. 5:20-cv-05146-LHK-SVK
CASE NO. 5:21-cv-02155-LHK-SVK

[PROPOSED] ORDER RE: COORDINATION OF WRITTEN DISCOVERY

[PROPOSED] DISCOVERY COORDINATION ORDER

2 Before the Court is a joint request by the plaintiffs in the *Brown* Case (5:20-cv-03664-
3 LHK-SVK); plaintiffs in the *Calhoun* Case (5:20-cv-05146-LHK-SVK); and plaintiffs in the
4 *Hewitt* Case (5:21-cv-02155-LHK-SVK) for an Order permitting coordination of written discovery
5 among the three cases (the “Request”), to minimize the burden and expense of duplicative
6 discovery and permit for effective coordination.

Having considered the Request, and good cause having been shown, the Court **ORDERS**
as follows:

1. For the purpose of this Order:
 - a. The “*Brown Case*” refers to *Brown et al. v. Google, LLC* (No. 5:20-cv-03664-LHK-SVK).
 - b. The “*Brown Case Protective Order*” refers to the Stipulated Protective Order, as Modified by the Court, in the *Brown Case* (Dkt. 81).
 - c. The “*Calhoun Case*” refers to *Calhoun et al. v. Google, LLC* (5:20-cv-05146-LHK-SVK).
 - d. The “*Calhoun Case Protective Order*” refers to the First Modified Stipulated Protective Order Governing Exchange of Confidential Discovery as Modified by the Court, in the *Calhoun Case* (Dkt. 61).
 - e. “Contact Attorneys” refers to counsel designated by each party and identified on Schedule A.
 - f. “Google” refers to Google LLC, the defendant in each of the Pending Cases.
 - g. The “*Hewitt Case*” refers to *Hewitt et al. v. Google, LLC* (5:21-cv-02155-LHK-SVK).
 - h. “Parties” refers collectively to Plaintiffs and Google.
 - i. “Pending Cases” refers collectively to the *Brown Case*, *Calhoun Case*, and *Hewitt Case*.

j. “Protective Orders” refers collectively to the “*Brown* Case Protective Order” and the “*Calhoun* Case Protective Order,” as each may be supplemented and amended from time to time.

2. Counsel for the parties in each Pending Case shall be bound by this Order.

COORDINATION OF WRITTEN DISCOVERY

3. Plaintiffs in any of the Pending Cases that serve or have served a written discovery request propounded under Rules 31, 33, 34, or 36 on Google in any of the Pending Cases shall provide a copy of the request to the Contact Attorneys in each Pending Case.

4. Google shall serve any responses to written discovery requests propounded by the plaintiffs in any of the Pending Cases, including responses previously served, to the Contact Attorneys in each of the Pending Cases, except insofar as such responses relate solely to one or two of the Pending Cases, in which case Google may redact those portions from the version produced in the other Pending Case(s).

5. Google shall produce any documents responsive to a written discovery request served by the plaintiffs in any of the Pending Cases, including documents already produced, to the Contact Attorneys in each of the Pending Cases, except insofar as such documents relate solely to one or two of the Pending Cases, in which case Google may withhold those documents in the other Pending Case(s).

6. For ease of coordination, Google shall include a separate bates stamp on every document for each Pending Case in which the document is being or has been produced. This means that certain documents will be produced with multiple bates stamps, one for each Pending Case in which it is being produced.

7. Whenever Google believes that material being produced in one Pending Case relates solely to that Pending Case, or solely to two of the three Pending Cases, Google shall notify the Contact Attorneys for the plaintiffs in all of the Pending

1 Cases, including by identifying the material by bates number. The Contact
2 Attorneys for the Parties shall meet and confer in good faith to discuss any
3 disputes about whether Google should be producing such material to the plaintiffs
4 in each of the Pending Cases and then if necessary present any disputes to the
5 Court.

6 8. Within 14 (fourteen) days of this Order, Google shall produce to the plaintiffs in
7 the Pending Cases all materials that Google has produced in the other Pending
8 Cases, subject to the exclusions discussed in paragraphs 4-5.

9 **DISCOVERY COORDINATION AMONG PLAINTIFFS' COUNSEL**

10 9. Counsel for the plaintiffs in the Pending Cases shall discuss discovery in the
11 Pending Cases to allow for more efficient and coordinated discovery, and the
12 Protective Orders are hereby modified to allow for those discussions.
13 10. The Protective Orders are hereby modified to permit the disclosure and
14 production of information designated by Google as Protected Material (as defined
15 therein) by the attorneys for the plaintiffs in any of the Pending Cases to the
16 attorneys for the plaintiffs in any other Pending Cases, with such information then
17 treated as Protected Material subject to the protective order in each such Pending
18 Case and to be used solely for purposes of prosecuting, defending, or attempting
19 to settle the Pending Case.

20 11. The Protective Orders are further modified to permit the attorneys for the
21 plaintiffs in each of the Pending Cases to discuss information designated by
22 Google as Protected Material (as defined therein) with the attorneys for the
23 plaintiffs in each of the Pending Cases, with such information then treated as
24 Protected Material subject to the protective order in each such Pending Case and
25 to be used solely for purposes of prosecuting, defending, or attempting to settle
26 the Pending Case.

27 CASE NO. 5:20-cv-03664-LHK-SVK
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1 12. The parties in *Hewitt* are ordered to include within any protective order a
2 provision permitting the disclosure and production of information designated by
3 Google as protected material to the attorneys for the plaintiffs in each of the
4 Pending Cases, with such information then treated as Protected Material subject to
5 the protective order in each such Pending Case and to be used solely for purposes
6 of prosecuting, defending, or attempting to settle the Pending Case.

7 13. The parties in *Hewitt* are furthered ordered to include within any protective order
8 a provision permitting the attorneys for the plaintiffs to discuss information
9 designated by Google as protected material with the attorneys for the plaintiffs in
10 each of the Pending Cases, with such information then treated as Protected
11 Material subject to the protective order in each such Pending Case and to be used
12 solely for purposes of prosecuting, defending, or attempting to settle the Pending
13 Case.

14 14. The protective order in effect in each Pending Case shall govern the handling by
15 the parties to such Pending Case of Protected Material produced hereunder.
16 Unless modified by Google, confidentiality designations applied in one Pending
17 Case shall apply in all of the Pending Cases.

18
19 **IT IS SO ORDERED.**

20 DATED: _____

21
22 Honorable Susan van Keulen
23 United States Magistrate Judge

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27 CASE NO. 5:20-cv-03664-LHK-SVK
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[PROPOSED] ORDER RE: COORDINATION OF WRITTEN DISCOVERY

SCHEDULE A

Brown v. Google

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[PROPOSED] ORDER RE: COORDINATION OF WRITTEN DISCOVERY

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7 *Calhoun v. Google*
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28 [PROPOSED] ORDER RE: COORDINATION OF WRITTEN DISCOVERY

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28 [PROPOSED] ORDER RE: COORDINATION OF WRITTEN DISCOVERY

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11 ***Hewitt v. Google***

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[PROPOSED] ORDER RE: COORDINATION OF WRITTEN DISCOVERY

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